

**STRATEGY
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PROJECT**

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**FUTURE STRATEGIES TO COMBAT INTERNATIONAL
ORGANIZED CRIME**

BY

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USAWC STRATEGY RESEARCH PROJECT

Future Strategies to Combat International Organized Crime

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ABSTRACT

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This paper looks at the current national strategy to combat international organized crime. It reviews the threat posed by international criminal organizations, the recent development of national strategy, and analyzes three main areas: law enforcement initiatives, intelligence gathering, and the cooperative efforts on both the national and international levels. Finally, this paper looks to the future and proposes a path to combat international organized crime as it evolves into the twenty-first century.

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FUTURE STRATEGIES TO COMBAT INTERNATIONAL ORGANIZED CRIME

"Nowhere is cooperation more vital than in fighting the increasingly interconnected groups that traffic in terror, organized crime, drug smuggling and the spread of weapons of mass destruction...These forces jeopardize the global trend toward peace and freedom, undermine fragile democracies, sap the strength from developing countries, threaten our efforts to build a safer, more prosperous world."¹

-President William Clinton to the
United Nations General Assembly
22 October 1995

INTRODUCTION

President William Jefferson Clinton made the above statement in his address to the United Nations General Assembly on the 50th anniversary of the UN. His decision to highlight the subject of international organized crime on this momentous occasion demonstrated the significance of transnational crime. The Administration has given international organized crime (IOC) an increasing amount of attention since the end of the Cold War. In fact, this attention led the Administration to state in our National Security Strategy that IOC is a significant threat to our national security.

The paper seeks to examine the nature of the threat posed by IOC, the development of today's strategy, what has been successful, and what is being attempted for the future. Subsequently, this analysis can be useful to help determine where the country should proceed into the future. Finally, it will

show that while the current strategy is coherent, continued vigilance is necessary to build upon this foundation to ensure that the U.S. is prepared to meet the increasing threat.

THE THREAT

Organized crime in the United States has existed since the days of prohibition-era Chicago. If this is true, then what changed to cause this increased attention? Many believe that it is because the face of IOC has changed. It has become a challenge to democracy, to transition and modernization processes, and to national and international security.² In Russia alone, according to the Russian Minister of Internal Affairs, there are roughly 5,700 organized crime groups. In addition, another 1,000 groups exist in the former Soviet republics. Together, these groups are actively engaged in criminal activities throughout the former Soviet Union, have expanded to at least 29 other countries, and have a network that is growing daily.³

Since the end of the Cold War, criminal organizations have taken advantage of an increasing global economy with more transparent national borders, fewer trade restrictions, and truly global financial and telecommunications systems.⁴ Britain's National Criminal Intelligence Service estimated in 1996 that global money laundering alone accounted for over \$1.3 trillion to the coffers of IOC. With an annual increase of \$300 billion a

year, this activity will continue to surpass the GDP of many emerging nations.⁵

The activities of these organizations pose major threats to U.S. national interests and to the security of its citizens.

Here are a few telling examples of this threat. The State Department, Office of Criminal Justice, estimates that illicit drug trade in the United States alone generates \$50-100 billion a year. Approximately \$100 billion in U.S. currency is laundered annually using U.S. financial institutions. And, perhaps as many as 100,000 illegal Chinese immigrants have been smuggled into the United States in the past two years.⁶

Despite increasing efforts to defeat international drug criminals, incredible growth has taken place. In the 1980's, cocaine production in Latin America was estimated as 500 to 700 metric tons. By 1996 cocaine production grew to approximately 1,200 tons. Opium production in Burma and Afghanistan increased from 800 to 1,000 tons in 1988 to 4,500 tons by 1996. Moroccan cannabis cultivation grew 2 1/2 times to more than 70,000 hectares, approximately the same as in Afghanistan and Pakistan. In the Commonwealth of Independent States (CIS) there is a potential for over 3 million hectares for cannabis growth.⁷ Perhaps, measuring success by drug seizures does not paint the picture that truly exists today.

These examples address a few of the areas that these criminals participate in and are mere samples of the vast profits

earned within the United States. These profits are magnified through illicit activities around the globe. Criminal organizations engage in a myriad of activities including: murder, extortion, corruption of public officials, bribery, drug trafficking, money laundering, financial fraud, kidnapping, prostitution, arms smuggling, weapons of mass destruction (WMD) proliferation, and alien smuggling.⁸

The difference today, as opposed to the past, is that criminal organizations have the capacity to target the security and economies of countries, particularly developing ones and those in transition.⁹ IOC includes not only the organizations from a familiar past such as the Sicilian Mafia, La Cosa Nostra, and the Colombian cartels but also includes a growing global structure. From the Japanese Yakuza and the Chinese Triads to the Iraqis Chaldeans and the Arab mob, these organizations are seemingly everywhere. The growth of organizations throughout the former Soviet Union is one side of the problem. However, the more frightening aspects are the strategic alliances that are developing. These criminals are now sharing resources in a new spirit of global cooperation. Examples of the Russian mobs cutting deals with Colombian cartels, Chinese Triads working illegal immigration with Mexican mobs, and the Triads and Yakuzas using La Cosa Nostra connections within the U.S. present a much greater global enemy.¹⁰ Perhaps, Senator John Kerry said it best when he stated:

"This is new. This is international organized crime that none of us has ever experienced before. It is not ideological. It has nothing to do with left or right, but it is money-oriented, greed-based criminal enterprise that has decided to take on the lawful institutions and civilized society. The growth of these organizations presents a major challenge to the quality of life in the United States and to U.S. interests."¹¹

The growing power of these international criminal organizations coupled with the many countries in transition creates a unique opportunity for criminals. The trends in criminal activity are even more frightening as we look into the future.

THE SITUATION IN 2010

Current trends reveal that international criminal organizations are growing in every region of the world. They continue to take advantage of lowering political and economic barriers, as well as the openings provided by societies in transition. They take advantage of modern telecommunications, technology, and business practices that facilitate legitimate international commerce.¹²

The future of IOC out through the year 2010 is likely to see continued growth and expansion. A number of factors are likely to aid this expansion. One is the economics of production, whereby transnational criminal activities continue to exploit free markets and reduced international border controls. Criminal organizations will take advantage of the growing number of fledgling governments. They will continue to benefit from

advances in technology. Organizations will be bigger and more powerful than their predecessors will. And, they will operate globally to take advantage of disorganization in international cooperation.¹³ Given the threat and the grim prospects posed by IOC; the Administration developed a counter strategy.

BACKGROUND, DEVELOPING A STRATEGY

The National Security Strategy of the United States recognized drug trafficking as a threat for several years. However, not until the February 1996 National Security Strategy did any President specifically delineate IOC as a threat to national security. President Clinton stated: "International organized crime jeopardizes the global trend toward peace and freedom, undermines fragile new democracies, saps the strength from developing countries and threatens our efforts to build a safer, more prosperous world."¹⁴

Several experts gathered July 20-31, 1998 at Georgetown University to discuss transnational crime. They agreed that a strategic approach was necessary: "The concept of developing strategies to deal more effectively with the phenomenon of transnational organized crime is both timely and essential if we (civil societies) are to control its growth and harmful effects."¹⁵ According to the editor of the Journal of Transnational Organized Crime, Dr. Phil Williams, it is necessary to develop a comprehensive strategy to combat international organized crime where the emphasis is to develop a cooperation

and coordination at both the national and international levels.¹⁶ This is precisely the focus that the new strategy took, to build upon a foundation of international and domestic cooperation. Dr. Williams recommends that national governments meet the challenge by developing better predictive intelligence about criminal organizations, developing cooperative strategies between governments and law enforcement agencies, and recognizing the opportunities for law enforcement to exploit the strategic alliances of international criminal organizations.¹⁷ The President's commitment is a significant movement forward on this troublesome issue.

The early articulation of the strategy began with three events orchestrated by the Administration. First, was the President's speech to the United Nations in October 1995, his first presentation to the UN on the subject. The critical timing of its delivery, during the very visible ceremony of the 50th anniversary of the UN, magnified the speech's impact. Second was the signing of Presidential Decision Directive (PDD) 42 in October 1995. A PDD is a means that the President uses to establish policy and guidelines for the Executive Branch. PDD 42, titled Global Organized Crime, ordered the Departments of Justice, State and Treasury, the Coast Guard, National Security Council, Intelligence Community, and other federal agencies to integrate their efforts against international crime syndicates and money laundering.¹⁸ Third was the release of President

Clinton's National Security Strategy in February 1996 which specifically identified international organized crime as a national security threat. Emphasis in the National Security Strategy was accentuated in the 1998 document which states that the growing threat to our security from transnational crime make integration of the federal government's response and international law enforcement cooperation vital.¹⁹

In addition to PDD 42, the President introduced a comprehensive package of legislation in the International Crime Control Act of 1996. The Act was designed to address the growing problem of cross-border criminal activity and enhance the US's ability to go after violent international criminals. Specifically, the Act allows the government to rigorously investigate and prosecute criminals, to take their money and deprive them of the ability to cross U.S. borders.²⁰

These initial steps were built upon as the President brought everything together. On 12 May 1998, the President articulated the first International Crime Control Strategy (IDDS) to combat international organized crime. As the President released the strategy, the Administration proposed legislation for approval in the International Crime Control Act (ICCA) of 1998. The ICCA was intended to be a step in implementing the President's strategy. The legislation proposes to close gaps in current federal law, is designed to criminalize additional activities, and seeks to

strengthen domestic and foreign criminal justice systems to meet the challenge ahead.²¹

Since the National Security Strategy first directly addressed IOC as a national threat in 1996, much work has been done to implement it. The strategy is developed around a framework that proposes law enforcement initiatives, enhancements to intelligence efforts, integration of the federal government response, and increased law enforcement cooperation with other nations.²²

ANALYSIS

This paper will analyze the strategy by reviewing the national objectives. Next, is an analysis of the policies that effect implementation of the strategy in terms of proposed ways and means. Much of the U.S. strategy is built around three major areas: law enforcement initiatives, intelligence gathering capability, and a cooperative network, both domestically and internationally, designed to create a more effective and efficient response.

NATIONAL OBJECTIVES

The national objectives are stated in the President's International Crime Control Strategy (ICCS) and restated in the National Security Strategy (NSS). The two objectives stated in the ICCS are to develop international cooperation in the fight against IOC and to create a framework for integrating the national response.²³ The NSS states that to respond to the

threats the U.S. must mount an international effort to combat the major criminal cartels and second, to achieve far-reaching cooperation among the agencies of our government.²⁴

A number of approaches have been adopted to combat the threat. According to Dr. Phil Williams and Dr. Roy Godson, two respected authorities, many of the best successful elements for a comprehensive strategy come from building on the best practices of law enforcement, effective employment of intelligence assets, and development of new and effective modes of international and trans-state cooperation.²⁵ The objectives of the strategy indeed focus on the fight against international organized crime in a way that many believe is best. Of course, the devil is in the details. It is also in the political will to sustain the strategy for the long haul.

The ways are the tools that will enable the country to implement strategy. The President articulated the national strategic concepts through many published documents. Each of these falls into three areas discussed by Dr. Williams earlier: law enforcement, intelligence gathering, and the cooperative effort, both national and international.

LAW ENFORCEMENT INITIATIVES

Clearly, the development of law enforcement concepts to combat organized crime is nothing new. New laws targeted gangsters in the Prohibition era. As organized crime became more international, a good example of change and adaptation to meet

the challenge was the Racketeer Influenced and Corrupt Organizations statute (RICO) of the 1970s. The RICO statute provided a valuable tool.²⁶ Tools like these must be developed to maintain the initiative in the fight against global crime. As the ICCS was released, the President signed the International Crime Control Act (ICCA) of 1998, which outlines the future tools. The eight key concepts are:

1. To extend the first line of defense beyond U.S. borders.
2. To enhance protection of U.S. borders.
3. To deny safe haven to international criminals.
4. To counter international financial crime.
5. To prevent criminal exploitation of international trade.
6. To respond to international crime threats.
7. To foster international cooperation.
8. To optimize the full range of U.S. efforts.²⁷

The ICCA is intended to provide the national resources to implement the strategy. Key concepts of the legislation are the strengthening of U.S. borders, denying safe havens to international criminals, and seizing the assets of these criminals.²⁸ Many of the concepts introduced in the Act were first proposed in an International Crime Bill in 1996. However, that legislation never got off the ground.

To enhance prospects, Senators Leahy, Biden, and Hatch reviewed the ambitious and expansive crime package developed and proposed the alternative International Crime and Anti-terrorism Amendments of 1998. This legislation shelved the most controversial portions of the President's proposal, specifically law changes, which will face a difficult uphill battle for

approval, but included most of the key concepts. By creating a toned down version, the legislation quickly passed the Senate and appears on its way to approval in the House.²⁹

The legislation addresses many of the issues believed to be critical to fighting IOC. In their study on transnational organized crime, noted experts Dr. Williams and Dr. Ernesto Savona stated, "In the area of substantial legislation, efforts against organized transnational crime would be considerably strengthened through the introduction of legislative reforms focused on:

1. Criminalization of participation in a criminal organization.
2. Criminalization of conspiracy or similar forms of inchoate offenses.
3. Prohibition of the laundering of criminal profits.
4. Sanctions to confiscate goods . . . aimed at defeating the economic power of criminal organizations."³⁰

The legislation meets many of those goals. It is designed to broaden existing laws to authorize investigation and punishment of criminals abroad and to gain jurisdiction on acts committed abroad against U.S. state and local officials. Also, it will increase the penalties for criminals who endanger federal law enforcement officials and it creates a criminal offense for failing to obey the "heave to" command of a Coast Guard vessel.³¹ Such concepts coupled with the denial of safe haven to international fugitives the tools to counter financial crime, will provide a foundation of law enforcement tools to combat

crime in the future. The approval of this legislation will solidify the foundation of the President's strategy.

Another part of the answer would be to create an international criminal court and an international convention against transnational organized crime.³² The establishment of a permanent International Criminal Court and the adoption of the Statute of the Court on 17 July 1998 are significant events to enhance international law enforcement. However, the U.S. has not yet signed the treaty because of dissatisfaction with the wording of several key points. On the one hand, the U.S. was concerned that the court would be too powerful, resulting in an adverse impact on U.S. citizens. On the other, the U.S. sought to expand the jurisdiction of the court to include the use of chemical and biological weapons.³³ Experts see the adoption of the International Criminal Court as the culmination of fifty years of effort. Although far from being perfect, it is a natural step towards a truly international strategic response.³⁴ The Administration is working to resolve the outstanding issues concerning the International Criminal Court and perhaps, in the next few years, the Court will become an effective force.

These initiatives indicate that the Administration is making progress. However, much is yet to be done to provide the additional law enforcement tools needed to meet the challenges of the future. Law enforcement by its very nature is predominantly

reactive and perhaps through the use of intelligence, the initiative can be regained.

INTELLIGENCE GATHERING

During a recent senior level conference on Intelligence Reform in the Post-Cold War Era One, a study was presented that concluded, "Containing organized crime traditionally has been the domain of law enforcement agencies while addressing national security concerns has been primarily the field of the Intelligence Community."³⁵ However, to address the criminal threat in the future, there must be better use of both law enforcement and intelligence. Strategic measures are required to improve intelligence gathering in order to identify the organizational structure and activities of criminal groups and to exploit this knowledge.³⁶

The first major step to enhance the contribution of intelligence began on 2 March 1995, with the President's signing of Presidential Decision Directive 35 (PDD-35), Intelligence Requirements. The intent of PDD-35 was to focus intelligence resources in the areas most critical to national security. A high priority was assigned to international terrorism, organized crime and drug traffickers.³⁷ "PDD-35 may prove to have a significant effect on the threat because it will affect the amount of intelligence resources devoted to global crime."³⁸

The PDD-35 directly addresses the requirement to collect intelligence on the structure and network of organized crime

groups. More importantly, the directive provides national level policy makers and law enforcement communities with the best assessments and information on international crime threats.³⁹

Historically, containing organized crime has been the domain of the law enforcement community. However, PDD-35 provides the beginnings to reverse that trend and allow the Intelligence Community to assist law enforcement to identify, target and apprehend these international organized criminals.

In addition to using the intelligence gained to assist law enforcement efforts, it can also be used to achieve strategic penetration of criminal organizations. Disruption is a proactive way to undermine organizations without time consuming and difficult criminal prosecutions.⁴⁰ Another key assertion voiced in the above study was that "HUMINT has proven to be the most effective Intelligence discipline in collecting information on global crime."⁴¹

While PDD-35 has been a large step forward in enhancing intelligence gathering and the assistance provided to law enforcement, more needs to be done to attack these organizations from within. The Intelligence Reform study concluded, "In serious incident reports prepared at the request of the Director for Central Intelligence, HUMINT was graded as being critically more important for narcotics intelligence than all other intelligence disciplines put together."⁴² Because of the proven effectiveness of HUMINT, a priority for intelligence should

enable the U.S. to increase HUMINT assets and the current initiatives do not appear to address this issue.

While intelligence gathering alone cannot defeat international organized crime, coupled with a strong law enforcement capability it can be an effective tool. The process that can make this apparatus all the more effective is a cooperative system that uses these capabilities in a efficient manner.

COOPERATIVE EFFORT

Great progress has been made over the past five years by promoting global cooperation in the response to the international crime threat. These cooperative efforts are the cornerstone of the President's strategy to combat international organized crime.

In an attempt to address the need for international cooperation, the Federal Bureau of Investigation (FBI) established three key law enforcement initiatives. First, is an active overseas presence to foster the establishment of effective working relationships with foreign law enforcement agencies. Second, is the training of foreign law enforcement officer in both basic and advanced investigative techniques. Third, is to assist in institution building to help establish and foster the rule of law in newly democratic republics.⁴³

Several elements of the FBI's international law enforcement initiatives have enhanced cooperation. The expansion of the FBI Legal Attaché program over the past four years resulted in

numerous arrests of U.S. fugitives abroad. This program posts FBI agents to U.S. embassies and takes advantage of the close cooperation between the FBI and that country's law enforcement experts. The International Law Enforcement Academy (ILEA) established in Budapest (April 1995) is a rousing success. There the FBI provides instruction and expertise to the Academy and the Department of State provides significant operating funds. Other international training programs provided by the FBI trained over 13,000 foreign law enforcement personnel from over 60 countries.⁴⁴ These programs have fostered a strong cooperative environment with agencies around the world.

There are many other efforts developed by this Administration that foster the international cooperation needed to be prepared for future challenges. The Anti-Crime Training and Technical Assistance Program (ACTTA) provides assistance to law enforcement agencies in Russia, the Newly Independent States (NIS), and in Central Europe. The Financial Action Task Force on Money Laundering (FATF) provides a cooperative network between 26 nations (nations listed in footnote 45) in dealing with money laundering problems. And finally, through the P-8, the G-7 plus Russia, the Experts Working Group shares expertise in dealing with transnational organized crime.⁴⁵

On the domestic level, the major national strategic concept to optimize the full range of U.S. efforts was introduced by the President in 1997 when he created the Transnational Threat

Committee. The Committee will direct U.S. actions against transnational security threats and to enhance coordination between law enforcement and intelligence agencies.⁴⁶

After looking at the framework of current policy, it is clear that significant progress has been made in laying out a strategy. The key objectives of integrating the government response and enhancing international cooperation remain the focus of most efforts of the past 4 years. PDD-35 (Intelligence Requirements), PDD-42 (Global Organized Crime), passage in the Senate of key tenets of the International Crime Control Act of 1998, and the implementation of numerous international cooperative law enforcement programs are encouraging breakthroughs. However, because of the increasing threat in the future, much work lies ahead and many obstacles need to be overcome.

The challenges ahead are many, including achieving passage for the key tenets of the International Crime Control Act of 1998. The Act will provide many of the tools needed to combat crime into the next century. The U.S. must also continue to enhance international training and assistance programs.⁴⁷ The Intelligence Community needs to continue to improve global cooperation and resolve issues concerning risks to sources and methods.⁴⁸ Overcoming these challenges must be accomplished. To maintain the initiative against the growing nature of IOC the response must continue to be founded in tougher laws and an

increased effectiveness based upon both domestic and international cooperation.

RECOMMENDATIONS

Only in recent years has the U.S. articulated a national strategy for combating international organized crime. It's still in the early stages, but it is coherent and has produced many successes. To continue the success, this paper recommends:

1. Continue the current strategy and policies with increased vigilance and some minor adjustments.

2. Create by executive order, a Transnational Threats Committee. This committee, recommended by the Aspin-Brown Commission to prepare for the threats of the twenty-first century, would serve to provide a better system to coordinate the activities and form a cohesive approach between the law enforcement and intelligence communities.⁴⁹ The Transnational Threats Committee would conduct an annual, formal review of the President's strategy. The purpose of this review would be to examine coherence of the national strategy and to identify any weaknesses in the implementation of that strategy.

3. Increase the priority for developing a more robust HUMINT capability specifically focused on dealing with international organized crime.

4. Continue focus on gaining approval of the International Crime Control Act of 1998.

5. Continue to work towards the expansion of the International Law Enforcement Academy by introducing additional regional academies.

Great strides have been made by the current Administration in combating international organized crime. With increased focus on achieving international cooperation to combat this threat and the efforts to provide a framework for integrating the response across all agencies, the U.S. is poised to meet the increasing threat of international organized crime into the 21st century.

Word Count: 4,677

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